IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1471 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BIJAYKUMAR MURLIDHAR BOCHIWALA

Versus

MAYURPALSINH KHUSHPALSINH DOSHI

Appearance:

MR SURESH M SHAH for Petitioner

MR MEHUL S SHAH for Petitioner

MR DF AMIN for Respondent

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 22/02/2002

ORAL JUDGEMENT

Rule. Mr. D.F. Amin waives service of rule on behalf of the respondent. At the request of the learned counsel for the parties, the Revision application is taken up for final hearing.

Heard the learned counsel for the respective parties. The Appellate Bench has set aside the judgment and decree of the trial court and has remanded the matter for fresh trial but has ordered the petitioner to pay arrears of rent at the rate of Rs.12,000/- per month. It is submitted by counsel for the parties that the rate may be fixed between Rs.4,000/- and Rs.12,000/- per month. In the facts and circumstances of the case, without prejudice to the contentions of the parties about the standard rent, the petitioner is ordered to deposit arrears of rent for the period from 01st February, 1999 till 31st August, 2002 @ Rs.5,000 (Rupees Five thousand only) per month instead of Rs.12,000/- per month as ordered by the Appellate Bench. The time to deposit is extended till 31st August, 2002. Rest of the order passed by the Appellate Bench is confirmed. Rule made absolute accordingly with no order as to costs. The amount deposited by the petitioner is permitted to be withdrawn by the respondent.

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